

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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FILE: B-213145.3

DATE: June 28, 1984

MATTER OF: Edmonds Electric Company--Reconsideration

DIGEST:

Prior decision is affirmed on request for reconsideration where consideration of fact which was erroneously stated in initial decision does not provide a basis to reverse that decision.

Edmonds Electric Company (Edmonds) requests that we reconsider our decision in Edmonds Electric Company, et al., B-213145, April 24, 1984, 84-1 CPD 468, in which we found that the Army could not consider the late bid Edmonds submitted in response to invitation for bids (IFB) No. DAKF40-83-B-0300.

We reached this conclusion because we found that the paramount cause of the late arrival of Edmonds' bid in the contracting division was not government mishandling after the bid was timely received at the administrative office of the Directorate of Industrial Relations (DIO) or in the process of receiving the bid. This conclusion was based on the fact that Edmonds did not follow the IFB instructions and mark the outside of its envelope to show that the envelope contained a bid and the IFB number. As a result, Edmonds' bid was delivered from DIO to the contracting division by normal, rather than by expedited, mail delivery procedures.

Pursuant to our Bid Protest Procedures, we will consider a request for reconsideration where the requester asserts that our initial decision was erroneous as to law or fact. See 4 C.F.R. § 21.9(a) (1983). Edmonds alleges that in our initial decision, we erroneously stated that, had the envelope been marked as containing a bid, the envelope would have been opened in DIO and delivered expeditiously. Edmonds contends that the report does not indicate that accountable mail is opened at the time it is delivered to DIO. Edmonds apparently believes that since the procedures do not indicate that accountable mail is opened, even if its envelope had been properly marked, the envelope would not have been opened and the bid still would have been delivered to the contracting office late.

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While the procedures for delivery of accountable mail do not indicate that the mail is opened at the time it is delivered to the DIO for further delivery to the contracting division, as Edmonds points out, this does not provide a reason for us to reverse our initial decision. As we noted in that decision, the Army indicated that there were procedures to expeditiously deliver bids from the DIO to the contracting division. Thus, we can only conclude that if Edmonds had properly marked its envelope, DIO personnel would have been alerted that the envelope contained a bid and, even if the bid was not opened in DIO, DIO personnel would have used expedited procedures to timely deliver it to the contracting division.

Accordingly, we affirm our prior decision.

*Milton J. Fowler*

Acting Comptroller General  
of the United States